

RESOLUTION NO. 20120927-096

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Travis County

Project: The 138 kV Gilleland to Techridge Transmission Line Project

Public Use: The electric easement described in the attached Exhibit "A" is necessary to construct, operate, repair, upgrade, replace and maintain a permanent electric transmission line for the purpose of providing electric utility services to the public.

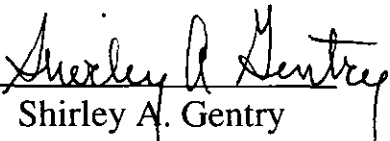
Location: (No physical address)

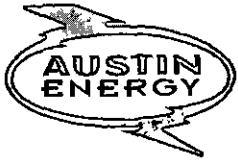
The property is located in the Northeast Metro Park in Travis County, Texas. The general route of the project runs from the Gilleland Substation located northeast of the intersection of SH 130 and Cameron Road, westward along and parallel to the south boundary of the LCRA transmission line easement to Immanuel Drive.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: September 27, 2012

ATTEST:


Shirley A. Gentry
City Clerk



Travis County, Texas
To
City of Austin (Austin Energy)
Transmission Line Easement

EXHIBIT "A"

SURVEY PLAT OF A 7.46 ACRE, 100 FOOT WIDE STRIP OF LAND, (325173 SQUARE FEET), IN THE THOMAS MOORE SURVEY NUMBER 44, ABSTRACT NUMBER 526 AND IN THE WILLIAM CALDWELL SURVEY NUMBER 66, ABSTRACT NUMBER 162, TRAVIS COUNTY, TEXAS, SAID 7.46 ACRE STRIP OF LAND BEING OUT OF THAT CALLED 339.82 ACRES OF LAND DESCRIBED TO TRAVIS COUNTY, TEXAS, IN THAT CERTAIN GENERAL WARRANTY DEED AS RECORDED IN VOLUME 13131, PAGE 3751, REAL PROPERTY RECORDS TRAVIS COUNTY, SAID 7.46 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a one-half inch iron rod found at the base of an eighteen inch Pecan tree for the east corner of that called 5.810 acres of land described to Lora Lee Lockhart tract in that certain General Warranty Deed With Vendor's Lien as recorded in Document 2003047352, Official Public Records Travis County, Texas, same being the southeast corner of that called 157.814 acre tract of land described to Sun Communities Texas Limited Partnership, a Michigan Limited Partnership in that certain Special Warranty Deed as recorded in Volume 12720, Page 458, Real Property Records Travis County, Texas, and a point on the northwest line of the said 339.82 acre tract of land, same being the apparent common corner of the said Alexander Walters Survey Number 67, Abstract Number 791, the Thomas Moore Survey Number 44, Abstract Number 526, the William Caldwell Survey Number 66, Abstract Number 162 and the Nathan Moore Survey Number 45, Abstract Number 512;

THECNE South 26°05'08" West, along the common dividing line of the said Lockhart tract of land and the said Travis County, Texas, tract of land, same being the apparent common dividing line of the said Walters Survey and the said Thomas Moore Survey, a distance of 523.95 feet to a calculated point for the **POINT OF BEGINNING** of and northwest corner of the herein described 7.46 acre tract of land;

THENCE North 86°55'22" East, through said 339.82 acre tract of land, coincident with the south line of an existing Lower Colorado River Authority transmission line easement as recorded in Volume 653, Page 342, of the Deed Records of Travis County, Texas, a distance of 3253.85 feet to a calculated point for the northeast corner of the herein described 7.46 acre tract of land, same being a point on the southeast line of the said 339.82 acre tract of land and a point on the northwest line of that called 97 ½ acre tract of land left to Mary Belle Brackett, Alma M. Kilian, and Edan M. Kilian as described in the Last Will and Testament of Martha Kilian recorded in Document Number 2003203549 Official Public Records Travis County, Texas, said 97 ½ acres

(SURVEY PLAT OF A 7.46 ACRE, 100 FOOT WIDE STRIP OF LAND, (325173 SQUARE FEET), IN THE WILLIAM CALDWELL SURVEY NUMBER 66, ABSTRACT NUMBER 162, TRAVIS COUNTY, TEXAS)

being described by metes and bounds to G. J. Kilian in that certain Warranty Deed as recorded in Volume 955, Page 46, Deed Records Travis County, Texas, and from this point a five-eighths inch iron rod found for the northwest corner of the said Kilian tract of land, same being a point on the southeast line of the said 339.82 acre tract of land and the southwest corner of that called 60.677 acre tract of land described to The Whitehead By-Pass Trust in that certain Warranty Deed as recorded in Volume 11621, Page 639, Real Property Records Travis County, Texas, bears North 27°48'30" East, a distance of 261.29 feet;

THENCE South 27°48'30" West, along the common dividing line of the said 339.82 acre tract of land and the said Kilian tract of land a distance of 116.52 feet to a calculated point for the southeast corner of the herein described to 7.46 acre tract of land and from this point a concrete monument found with an inverted nail for the southwest corner of the Kilian tract of land, same being a point on the southeast line of the said 339.82 acre tract of land bears South 27°48'30" West, a distance of 1031.57 feet;

THENCE South 86°55'22" West, through said 339.82 acre tract of land and 100 foot perpendicular distance from and parallel to the said Lower Colorado River Authority transmission line easement a distance of 3249.83 feet to a calculated corner for the southwest corner of the herein described 7.46 acre tract of land, same being a point on the common dividing line of the said Travis County, Texas, 339.82 acre tract of land and the said Lora Lee Lockhart 5.810 acre tract of land and from this point a one-half inch iron rod found for the south corner of the said Lockhart tract of land and an exterior angle corner of the said 339.82 acre tract of land bears South 26°05'08" West, a distance of 386.10 feet;

THENCE North 26°05'08" East, along the common dividing line of the said Lockhart tract of land and the said 339.82 acre tract of land a distance of 114.52 feet to the **POINT OF BEGINNING** and containing 7.46 acres or (325173 square feet) of land more or less.

BEARING BASIS: NAD83, TEXAS CENTRAL ZONE, 4203, per GPS observation.

Reference the attached sketch marked **EXHIBIT "B"**.

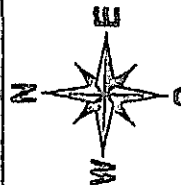
I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in January 2009.

Prepared By: **AUSTIN ENERGY**

Robert C. Steubing 01/28/09
Robert C. Steubing
Registered Professional Land Surveyor No. 5548



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Scale 1" = 500'

EXHIBIT "B"

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF A 7.46 ACRE (325173 SQ. FT.) ELECTRIC LINE EASEMENT IN TRAVIS COUNTY, TEXAS, OUT THE THOMAS MOORE SURVEY NO. 44, ABSTRACT NUMBER 526 AND THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT NUMBER 162.

NATHAN MOORE SURVEY NO. 45
ABSTRACT NUMBER 512

Sun Communities Texas Limited Partnership
Special Warranty Deed
12720/458 RPRTCT
Called: 157.814 Acres

Travis County, Texas
General Warranty Deed
13131/3751 OPRTCT
Called: 339.82 Acres

WILLIAM CALDWELL SURVEY NO. 66
ABSTRACT NUMBER 162

The Whitehead By-Pass Trust
Warranty Deed 11621/639 RPRTCT
Remainder Called: 60.677 Ac

POB
Lone Oak Leach
General Warranty Deed
13198/1500 OPRTCT
Called: 9.21 Acres

L.C.R.A. Transmission Line 653/342 DRCT 3253.85'
Austin Energy Transmission Line Easement 7.46 AC 3249.83'

Mary Belle Brackett, Et Al
Last Will and Testament
Doc# 2003203549 OPRTCT
G. J. Kilian
Warranty Deed 935/46 DRCT
Remainder Called: 97 1/2 Ac

Travis County, Texas
General Warranty Deed
13131/3751 OPRTCT
Called: 339.82 Acres

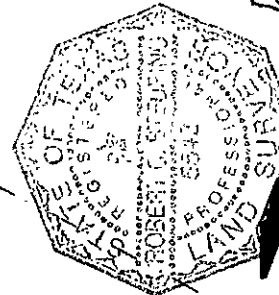
THOMAS MOORE SURVEY NO. 44
ABSTRACT NUMBER 526

NUM	BEARING	DISTANCE
L1	N27°48'30"E	261.29'
L2	S27°48'30"W	115.52'
L3	S26°05'08"W	386.10'
L4	N26°05'08"E	114.52'

LEGEND:

- = Monument Found (type & size noted)
- ▲ = Power Pole Post
- POB = Point Of Beginning
- OPRTCT = Official Public Records Travis County, Texas BEARING BASIS: NAD 83, TEXAS CENTRAL ZONE, 4203, per GPS observation.
- POC = Point Of Commencement
- = CALCULATED CORNER

CONCRETE MONUMENT WITH INVERTED NAIL



AS SURVEYED BY:
AUSTIN ENERGY
01/28/09
ROBERT C. STEUBING
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6548

SURVEYED ON THE GROUND IN JANUARY 2009
DRAWING: F:\SURVEYING\TRANSMISSIONS\TXS\GALLED
EISENBERG PARCEL 4. DWG